O. Court Fees / 53

1953 **File No.** 23 / 53

PHE

Legal Deptt

G **BRANCH**

Subject:— Opinions on the Court Fees

O. / Court Fees / 53

File No. 23 / 53

Gen. 194 a.

C O N T E N T S.

Legal Department File No. C. Court Fees / 53(C Nr.)

Sr.No.	R.I./C.No.	Subject	Pages.
		Opinions under the Court Fees Act, 1870.	
1)	C.No.C-81/4-2-55.	Whether applications made to the Brick Controller B'bay for a permit are liable to a Court-Fee.	
2)	C.No.C-788/23-12-55.	Whether remissions granted under sec. 35 of the Act are applicable to the applications presented to the D.M.s or Collectors in the State of Bombay for licences etc. under orders made under B'bay Essential commodities and cotton (Control) Act;1946 & Essential Supplies (T. P.) Act, 1946.	

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R.I. No. G-40 dt. 17-1-53.

Submitted.

The Government of Bombay have decided to compile exhaustive lists of different types of applications and documents generally dealt with in the various offices and Departments, and the amounts of Court Fee with which they are respectively chargeable and the Inspector General of Registration has been asked to obtain such lists from the different offices and Heads of Departments, to consolidate them and then forward them to Government for publication.

(1) Applications for ration documents.

(2) Applications for export and import of rationed articles.

(3) Applications for withdrawal of prosecutions in rationing cases from the members of the public.

(4) Applications from ration shop keepers, hotel keepers and offices holding authorisations under B.R.O. '43 re. dept. action against them for breaches of rationing orders.

(5) Applications from the public for information about their ration cards or copies of the applications etc. for being produced before a court or Govt. office.

(6) Applications from shop keepers, hotelkeepers for copies of departmental proceedings as well as from the members of the Rationing Staff for copies of proceedings of inquiry against them.

Is/- 2/2

R. L. A.

R.D.F.
31/7/56

S.C.

Office of the R.L.A.

It appears that none of the applications falls under Article 1 in Schedule II to the Court Fees Act 1870 and therefore would not be liable to the payment of any court fee (Please see para 1 of R.L.A's opinion No. 8235, dated the 23rd November 1944).

Id/- (P.M.L.) 3/2
Remembrancer of Legal Affairs.

U.R. to C. of R., No. G.81, dated the 4th February 1955.

H.D.P.
31/7/56

S.C.

Office of the R.L.A.

The orders issued under the Defence of India Rules were continued in force and were to be deemed to have been made under the Bombay Essential Commodities and Cattle (Control) Act,1946, in respect of orders regarding essential commodities mentioned in the Schedule to that Act and under section 17 of the Essential Supplies (Temporary Powers) Ordinance, 1946, in respect of commodities mentioned in section 2 of that Ordinance. All the other orders made under the Defence of India Rules in respect of commodities not mentioned in these two Acts lapsed with the Defence of India Rules. So fa as the orders which are continued either under the Bombay Essential Commodities and Cattle (Control) Act,1946, or the Essential Supplies (Temporary Powers) Act,1946, are concerned even though some of the orders made under the Defence of India Rules are still operative, they are to be deemed to be orders made under these two Acts. In view of this legal position the remission granted in the Revenue Department Notification No. 8C3/39, dated the 26th July 1945 under section 35 of the Court Fees Act will not be applicable to the applications presented to the District Magistrates or Collectors in the State of Bombay for licences etc. under these orders. It is, therefore, necessary that fresh orders will have to be issued if the Government in Revenue Department desires to give the remission in respect of orders made under the Bombay Essential Commodities and Cattle (Control) Act and the Essential Supplies (Temporary Powers) Act, 1946.

Id/- (P.M.L.) 23/12

Remembrancer of Legal Affairs.

U.O. to C.S.D., No. G.-783,dated the 23rd December 1958.

R.D.P.
31/7/58

S.C.

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